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**DOCKET FOR REGULAR COUNCIL MEETING OF
MONDAY, APRIL 23, 2001 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS - 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101**

ITEM-1: ROLL CALL.

ITEM-10: INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE.

SPECIAL ORDER OF BUSINESS

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

4/02/2001

4/03/2001

4/09/2001 Adjourned

4/10/2001 Adjourned

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject**, regardless of the number of those wishing to speak. Submit requests to speak to the Mayor or the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

COUNCIL COMMENT

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*). In addition, other items thought to be routine or non-controversial and without any "Request to Speak" slips in opposition may be taken as part of the Consent Agenda.

ADOPTION AGENDA, CONSENT ITEMS ORDINANCE TO BE INTRODUCED:

* ITEM-50: Office Space Lease Agreement with 3rd Works, LLC.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2001-133)

Introduction of an Ordinance authorizing the City Manager to execute an office-space lease agreement with 3rd Works, LLC, a California corporation.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

CITY MANAGER SUPPORTING INFORMATION:

3rd Works, LLC will be leasing space from the City in the Crabtree Building, located at 303 A Street, Suite 403. The space leased consists of approximately 2,034 rentable square feet and five (5) reserved parking spaces. 3rd Works, LLC is proposing to lease the space under the following basic lease terms:

TERM - For three (3) years commencing March 21, 2001 and terminating March 20, 2004. The tenant has the option to extend the lease for two (2) additional three (3) year periods providing

the tenant is not in default.

RENT - \$2,969.20 per month which includes office space rent at \$1.30 per square foot and five (5) reserved parking spaces at \$65 per space. The office space rent is at market value compared to similar space in the downtown area. The rent shall be adjusted annually by a fixed 4% increase.

USE - General office usage for real estate development services.

SIZE - 2,034 square feet and five (5) reserved parking spaces.

TENANT IMPROVEMENT - Tenant will install the improvements at tenant's sole cost and expense. The cost of the improvements is estimated at \$50,000.

FISCAL IMPACT:

\$29,403.73 will be deposited into the General Fund for the first year of this lease.

Herring/Griffith/DLM

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-100: Office Space Sublease Amendment - Metropolitan Wastewater Department.

(Harbor Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1344)

Authorizing the City Manager to execute a First Amendment to Sublease with Driscoll Marina, Ltd. for the lease of an additional 551 square feet at 4918 North Harbor Drive, which will increase the base rent of the Sublease by \$798.95 per month;

Authorizing an additional expenditure of \$5,592.65 from Fund No. 41508, Dept. 772, for rent from the FY2001 budget.

CITY MANAGER SUPPORTING INFORMATION:

The Metropolitan Wastewater Department (MWWD), currently subleasing approximately 12,779

square feet of office space at 4918 North Harbor Drive, has expanded beyond current capacity. Recently, approximately 551 square feet became available to lease in an adjacent space. MWWD is proposing to sublease the expansion space under the following basic lease terms:

TERM - The term for the expansion space, Suite 105 commenced on December 1, 2000 and shall terminate September 14, 2002, the expiration date of the existing leased space.

RENT - \$1.45 per square foot or \$798.95 per month. The rental rate is at market value compared to similar space in the area.

USE - General office usage for the MWWD Testing Lab.

SIZE - 551 square feet.

FISCAL IMPACT:

An additional \$5,592.65 will be paid from Fund No. 41508, Dept. 772 for rent from the FY 2001 Budget.

Herring/Griffith/DLM

Aud. Cert. 2101019.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-101: Three actions related to Amended Subdivision Improvement Agreement for Robinhood Ridge Unit No. 1 and Related Items.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-1349)

Authorizing the City Manager to execute an Amended Subdivision Improvement Agreement with Greystone Homes, Inc. and Robinhood Ridge Master, LLC for the installation and completion of certain public improvements;

Releasing the existing Bond No. 11133493616, issued by the American Insurance Company in the amount of \$2,809,563.

Subitem-B: (R-2001-1350)

Authorizing the City Manager to terminate the Landscape Maintenance Agreement with Greystone Homes, Inc. and to execute a Landscape Maintenance Agreement with Robinhood Ridge Master, LLC to assure maintenance of landscaping in the subdivision.

Subitem-C: (R-2001-1351 Cor. Copy)

Approving the acceptance of an Assignment and Assumption of Deferred Improvement Agreement of Greystone Homes, Inc. and Robinhood Ridge Master, LLC bearing date of October 13, 2000.

CITY MANAGER SUPPORTING INFORMATION:

On October 2, 2000 per Document No. RR-293866, the City entered into a Subdivision Improvement Agreement with Greystone Homes, Inc., for the construction of public improvements for Robinhood Ridge Unit No. 1. The agreement expires on October 2, 2002. Greystone Homes, Inc. also entered into a Landscape Maintenance Agreement Document No. RR-293868 and a Deferred Improvement Agreement for Vista Santo Domingo Document No. RR-293872. The property is now owned by Robinhood Ridge Master, LLC. The new owner has signed an Amendment to Subdivision Improvement Agreement to assume all of the obligations of the original subdivider and complete the required public improvement work. Robinhood Ridge Master, LLC has provided a performance bond for the same amount as the original performance bond (\$2,809,563). Robinhood Ridge Master, LLC has also entered into a Landscape Maintenance Agreement, agreeing to maintain all landscaping and appurtenances thereto within the City right-of-way adjacent to Robinhood Ridge Unit No. 1 until another mechanism is established and assumes maintenance responsibility. An Assignment and Assumption of Deferred Improvement Agreement, Vista Santo Domingo has been provided whereby Robinhood Ridge Master, LLC will assume all of the obligations of Greystone Homes, Inc. set forth in the Deferred Improvement Agreement for improvements for Vista Santo Domingo. No new construction is being approved by the amendment to the Subdivision Improvement, Landscape Maintenance Agreement and Assignment and Assumption of Deferred Improvement Agreement. A Project Traffic Information Tracking Sheet has been prepared. The Amended Agreement is in accordance with Council Policy 600-21. Staff recommends approval.

FISCAL IMPACT: None.

Loveland/Haase/GRB

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-102: Amendment to the Undergrounding of Utilities - 2000 Calendar Year, Annual Allocation "Case 8209" Funds.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1373)

Modifying the 2000 Calendar Year Annual Allocation for Undergrounding of Utilities (San Diego Gas and Electric Company Allocation) by removing the project known as "Camino del Oro (from El Paseo Grande to Calle Frescota)," estimated at \$140,000, and replacing it with the project known as "Fay Avenue (from West Muirlands Drive to Nautilus Street)," estimated at \$120,000.

NOTE: This Item should be heard before Item 103.

CITY MANAGER SUPPORTING INFORMATION:

Fay Avenue is being widened as part of public improvements necessary to facilitate the improvements at La Jolla High School. As part of these improvements it was determined that to underground the lines during the roadway realignment could be done at a significant savings and would clean up overhead lines that exist in an area that already has most of its utilities underground. Currently, SDG&E has an agreement with the City to perform \$10 million dollars of undergrounding per year through 2002. The agreement gave the City the right to choose which streets would be done through a yearly annual allocation of \$10 million through 2000. Fay Avenue is on the 2001 annual allocation which has yet to be approved. Thus, SDG&E cannot perform work against the allocation unless a project is on the annual allocation list against the \$10 million dollars.

Due to the uncertainty of when the 2001 annual allocation will be approved due to the pending franchise agreement with SDG&E and given the construction schedule of the road realignment, the only way that Fay Ave will be undergrounded as part of the improvements is to place it on the 2000 annual allocation. In order to place it on the annual allocation, another project needed to be moved off. It has been requested that Camino Del Oro be placed on the proposed 2001 annual allocation.

FISCAL IMPACT:

None with this action.

Loveland/Belock/PB

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-103: Fay Avenue (from West Muirlands Drive to Nautilus Street) Underground Utility District.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1374)

Calling a public hearing to determine whether the public health, safety, or general welfare requires the formation of the Fay Avenue (from West Muirlands Drive to Nautilus Street) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, "Annual Allocation - Undergrounding of City Utilities," and will underground the overhead utility facilities in the Fay Avenue (from West Muirlands Drive to Nautilus Street) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electrical service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$3,500 per electric service lateral. Reimbursements will also include the cost of modifications to the electrical service box, up to a maximum of \$1,000 for residential conversions and \$1,500 for commercial conversions, when such modifications are needed to receive underground service. Typical costs for service box modifications range from \$300 - \$500. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching, conduit and any needed electric service box modifications.

FISCAL IMPACT:

SDG&E Cost: The construction cost of \$120,000 will be financed through the use of San Diego Gas and Electric Company's Funds as directed by the Public Utilities Commission (Case 8209). The fiscal impact to the City is for the administration and street light replacement. Cost estimated at \$1,000. Funding is available in CIP-37-028.0, Undergrounding of City Utilities.

Loveland/Belock/PB

Aud. Cert. 2101081.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-104: Acquisition of Street Lights from SDG&E for Underground Utility Districts.

(Pacific Beach, Peninsula Community Areas. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1376)

Authorizing the expenditure of an amount not to exceed \$41,608 from TransNet Fund No. 30300, CIP-37-028.0, Annual Allocation Undergrounding of City Utilities, to provide funds to San Diego Gas & Electric Company for the purchase and installation of new street lights to replace existing pole-mounted street lights in the Lamont Street (from Fortuna Avenue to Grand Avenue) Underground Utility District, in the amount of \$16,048; and the Voltaire Street (from Chatsworth Boulevard to Catalina Boulevard) Underground Utility District, in the amount of \$25,560.

CITY MANAGER SUPPORTING INFORMATION:

As part of the City's Underground Utility Program, existing pole-mounted street lights must be replaced with new street lights when the overhead utilities are removed. The City owns all street lights, and it is necessary for the City to pay this cost. San Diego Gas and Electric has estimated the cost of purchasing and installing new street lights to be \$41,608.

FISCAL IMPACT:

City Cost: Street light replacement cost estimated at \$41,608.

Loveland/Belock/PB

Aud. Cert. 2101080.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-105: Replacement of Barrier Rail on Barnett Avenue over Pacific Highway.

(Midway Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1328)

Authorizing the City Manager to accept Program Supplement No. 11-

5004(M020), to Local Agency-State Agreement for Federal Aid Project No. STPLX-5004(095), for the amount of \$35,412 in Highway Bridge Rehabilitation and Replacement Funds, Fund No. 38736;

Authorizing the City Manager to apply for an additional Program Supplement and accept a total of \$102,695, Highway Bridge Rehabilitation and Replacement Funds, Fund No. 38736;

Authorizing the expenditure of an amount not to exceed \$40,000 from CIP-52-519.0, Annual Allocation - Bridge Rail, Replacement of Barrier Rails on Barnett Avenue over Pacific Highway, of which \$35,412 is from Program Supplement No. 11-5004(M020), Fund No. 38736, and \$4,588 is from Transnet Fund No. 30300 for funding the preliminary engineering of the project;

Authorizing the appropriation and expenditure of an amount not to exceed \$102,695 from CIP-52-519.0, Fund No. 38736, for funding the construction and construction engineering of the project;

Authorizing the expenditure of an amount not to exceed \$116,000 from CIP-52-519.0, Annual Allocation - Bridge Rail, Replacement of Barrier Rails on Barnett Avenue over Pacific Highway, of which \$102,695 is from an additional Program Supplement to Local Agency-State Agreement for Federal Aid Project No. STPLX-5004(095), Fund No. 38736, and \$13,305 is from Transnet Fund No. 30300 for funding the construction and construction engineering of the project;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

This project is located in the Midway community area. The completed project will replace the existing and deteriorated railing on both sides of the bridge for a distance of approximately 300 feet. This project provides for design and construction of a standard concrete barrier on the bridge. This project is currently under design and will go to construction in Fiscal Year 2002. This project is funded partly (88.53%) by Federal funds through Local Agency-State Agreement for Federal Aid Projects, Highway Bridge Rehabilitation and Replacement (HBRR) fund. The remaining (11.5%) of the project cost is funded by Transnet. The HBRR fund will be provided in phases for design, right of way acquisition, and construction through Program Supplements to administering Agency-State Agreement for Federal Aid Projects. This \$35,412 is the first Program Supplement request and will fund the design engineering for the project.

FISCAL IMPACT:

Total estimated cost:	\$ 156,000
Total contribution Program Supplement No 11-5004(M020):	\$ 138,107
Total contribution of City of San Diego (Transnet):	\$ 17,893

Loveland/Belock/PB

Aud. Cert. 2101025.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-106: Replacement of Barrier Rail on Morena Boulevard Bridge over Tecolote Creek.

(Clairemont Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1329)

Authorizing the City Manager to accept Program Supplement No. 11-5004(M154), to Local Agency-State Agreement for Federal Aid Project No. STPLX-5004(108), for the amount of \$22,132 in Highway Bridge Rehabilitation and Replacement Funds, Fund No. 38735;

Authorizing the City Manager to apply for an additional Program Supplement and accept a total of \$78,792.20, Highway Bridge Rehabilitation and Replacement Funds, Fund No. 38735;

Authorizing the expenditure of an amount not to exceed \$25,000 from CIP-52-519.0, Annual Allocation - Bridge Rail, Replacement of Barrier Rails on Morena Boulevard Bridge over Tecolote Creek, of which \$22,132 is from Program Supplement No. 11-5004(M154), Fund No. 38735, and \$2,868 is from Transnet Fund No. 30300 for funding the preliminary engineering of the project;

Authorizing the appropriation and expenditure of an amount not to exceed \$78,792 from CIP-52-519.0, Fund No. 38735 for funding the construction and construction engineering of the project;

Authorizing the expenditure of an amount not to exceed \$89,000 from CIP-52-519.0, Annual Allocation - Bridge Rail, Replacement of Barrier Rails on Morena Boulevard Bridge over Tecolote Creek, of which \$78,792 is from additional Program Supplement to Local Agency-State Agreement for Federal Aid Project No. STPLX-5004(108), Fund No. 38735, and \$10,207.80 is from Transnet Fund No. 30300, for funding the construction and construction engineering of the project;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

This project is located in the Clairemont Mesa community area. The completed project will replace the existing and deteriorated railing on both sides of the bridge for a distance of approximately 72 feet and provides for the construction of approach guardrails. This project is currently under design and will go to construction in Fiscal Year 2002. This project is funded partly (88.53%) by Federal funds through Local Agency-State Agreement for Federal Aid Projects, Highway Bridge Rehabilitation and Replacement (HBRR) fund. The remaining (11.5%) of the project cost is funded by Transnet. The HBRR fund will be provided in phases for design, right of way acquisition, and construction through Program Supplements to administering Agency-State Agreement for Federal Aid Projects. This \$22,132 is the first Program Supplement request and will fund the design engineering for the project.

FISCAL IMPACT:

Total estimated cost:	\$114,000.00
Total contribution Program Supplement No 11 -5004(MI 54):	\$100,924.20
Total contribution of City of San Diego (Transnet):	\$ 13,075.80

Loveland/Belock/PB

Aud. Cert. 2101024.

ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:

* ITEM-107: Funding for Interstate 5 Freeway Deficiency Study.

(Linda Vista, Mission Valley, Old San Diego, Midway/Corridor, Uptown, Greater Golden Hill, Centre City, Barrio Logan, Southeastern San Diego Community Areas. Districts-2, 3, 6, and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1341)

Authorizing the appropriation and transfer of \$195,000 from TransNet Fund 30300, Revenue Account #78720 to CIP-52-695.0, Interstate 5 Freeway Deficiency Study;

Authorizing the City Auditor and Comptroller to amend the Capital Improvement budget to increase the appropriation of \$195,000 to the FY2001 Capital Improvement Program to be utilized for CIP-52-695.0 (Interstate 5 Deficiency Study);

Authorizing the reprogramming of \$5,000 from CIP-58-002.0, Annual Allocation - Assessment Districts, to CIP-52-695.0;

Authorizing the expenditure of an amount not to exceed \$200,000 from CIP-52-695.0, Interstate 5 Freeway Deficiency Study.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Association of Governments (SANDAG) has undertaken a Freeway Deficiency Study for Interstate 5, from Sea World Drive to State Route 54. The purpose of this study is to determine future levels of service, to locate areas where the freeway fails to operate at an acceptable level of service, and to recommend mitigation alternatives. The rate of traffic flow on the freeway will have impacts on adjacent city streets. At times of freeway congestion, traffic may use surface streets as alternative travel routes. Congestion on the freeway and queuing on the ramps can impact flow on adjacent streets. Additionally, improvements to city streets which are parallel to I-5 may be mitigation alternatives that are recommended by the Freeway Deficiency Study. Therefore, because of these potential impacts to the City's local street network, the City of San Diego has agreed to contribute \$200,000 in TransNet/Local Streets funding as its share of the cost of the I-5 Freeway Deficiency Study. CalTrans is also participating in the funding of this study.

FISCAL IMPACT:

Transfer \$195,000 from TransNet Fund 30300, Revenue Acct. 78720 and \$5,000 from CIP-58-002.0 to CIP-52-695.0. Expend \$200,000 from CIP-52-695.0.

Belock/Gonzalez/AH

Aud. Cert. 2101056.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-108: Pacific Beach Recreation Center Tot Lot.

(Pacific Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1312)

Authorizing the City Auditor and Comptroller to amend the FY2001 Capital Improvement Program budget by authorizing the transfer of \$13,000 from the California Integrated Waste Management Board (CIWMB), Pacific Beach

Playground Surfacing, Fund No. 38100, Department No. 38100 to CIP-29-420.0, Pacific Beach Recreation Center Tot Lot;

Authorizing the expenditure of an amount not to exceed \$185,139 from CIP-29-420.0, Pacific Beach Recreation Center Tot Lot for design, construction and related costs;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

Pacific Beach Recreation Center is located at 1405 Diamond Street, at the intersection of Gresham Street in Pacific Beach. The scope of this project is to upgrade the existing tot lot to comply with current safety and maintenance standards as well as Americans with Disabilities Act (ADA) requirements. Upgrading the existing tot lot includes removing the antiquated existing equipment, installing new children's playground equipment including one large modular multi-activity item, various single activity components, swings, and a fitness cluster. Access within the playground will be upgraded with new rubberized surfacing using recycled tires, of which \$13,000 is from CIWMB and will be authorized by this action. The funding authorized by this Council action will supplement funding previously authorized to construct the project.

FISCAL IMPACT:

The total estimated project cost is \$185,139, of which \$12,540 has been previously authorized. The remaining \$172,599 is available in Dept. No. 30244, Org. No. 105, CIP-29-420.0.

Loveland/Belock/AO

Aud. Cert. 2101022.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

- * ITEM-109: California Integrated Waste Management Board (CIWMB) - Park Playground Accessibility and Recycling Grant.

(Southeastern San Diego Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1348)

Authorizing the City Manager to apply to the California Integrated Waste Management Board for a Park Playground Accessibility and Recycling Grant;

Authorizing the City Manager to take all necessary actions to secure and accept the grant funds from the California Integrated Waste Management Board;

Authorizing the City Manager to conduct all negotiations, execute and submit all documents, including but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the project;

Authorizing the City Auditor and Comptroller to appropriate and expend the grant funds, if secured;

Authorizing the City Auditor and Comptroller to establish a special interest bearing fund for the grant, if secured;

Amending the Fiscal Year 2001 Capital Improvements Program Budget by increasing the project budget for CIP-29-662.0, Southcrest Community Park - Tot Lot Upgrade, in the amount of \$50,000, contingent upon receipt of a fully executed grant agreement from CIWMB;

Authorizing the City Auditor and Comptroller to transfer and expend the currently appropriated \$12,500 from CIP-20-013.0, Park and Recreation Grant Match Funding, Fund 630221, to CIP-29.662.0, Southcrest Community Park - Tot Lot Upgrade.

CITY MANAGER SUPPORTING INFORMATION:

The Playground Safety and Recycling Act authorizes the California Integrated Waste Management Board (CIWMB) to administer a grant program to upgrade public playgrounds using recycled-content materials and to assist them in meeting state and federal accessibility standards relating to public playgrounds. The CIWMB has allocated \$2.558 million for the Park Playground Accessibility and Recycling Grant Program for Fiscal Year 2000-2001. Eligible applicants must provide a 50% match, which may be reduced to a 25% match, upon verification that the proposed playground project is located within an Enterprise Zone, as determined by the California Trade and Commerce Agency. This action authorizes the City Manager to apply for grant funding through the Park Playground Accessibility and Recycling Grant Program. The Park and Recreation Department plans to upgrade the children's playground at Southcrest Community Park, and the grant application to the CIWMB would fund the recycled-content playground surfacing, two entry ramps, and two pieces of play equipment. The CIWMB grant will supplement \$147,750 received through the State FY 2001 budget process to upgrade the Southcrest Community Park playground.

FISCAL IMPACT:

The total cost of upgrading Southcrest Community Park playground with recycled-content surfacing and equipment is \$210,250. The City has received \$147,750 from the State of California. If the CIWMB grant is secured, the City will receive \$50,000 for CIP-29-662.0,

Southcrest Community Park - Tot Lot Upgrade. Southcrest Community Park is located within the San Diego Metropolitan Enterprise Zone, which makes this grant eligible for the reduced 25% matching funds requirement. The City's match is \$12,500 and will be transferred from Park and Recreation Grant Match Funding CIP-20-013.0 to the Southcrest Community Park - Tot Lot Upgrade CIP-29-662.0.

Loveland/McLatchy/CH

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-110: Grant Application to Upgrade Old Trolley Barn Park and Grant Hill Park Tot Lots.

(Districts-2, 3, and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1354)

Authorizing the City Manager to apply to the State Department of Parks and Recreation for a grant from the Land and Water Conservation Fund (LWCF) for upgrades to the Old Trolley Barn Neighborhood Park and Grant Hill Neighborhood Park tot lots;

Authorizing the City Manager to take all necessary actions to secure and accept grant funds from the LWCF for the above-mentioned projects;

Authorizing the City Manager to appropriate and expend the grant funds, if secured, and the matching funds, in accordance with the terms and conditions set forth in the grant funding agreement;

Authorizing the City Auditor and Comptroller, upon receipt of a fully executed grant funding agreement, to establish a special interest-bearing fund for the grant;

Authorizing the City Auditor and Comptroller, upon receipt of a fully executed grant funding agreement, to transfer \$250,000 from CIP-20-013.0, Fund 630221, Park and Recreation Grant Matching Fund to the Old Trolley Barn Neighborhood Park and Grant Hill Neighborhood Park Tot Lots Project.

CITY MANAGER SUPPORTING INFORMATION:

The Federal Land and Water Conservation Fund (LWCF) Grant-In-Aid Program provides funds to develop facilities for public outdoor recreation purposes. The LWCF program offers grants on

a competitive basis and will fund up to 50% of the cost to develop facilities that support outdoor recreation. This action authorizes the Manager to apply for LWCF funds to upgrade the children's play areas at Old Trolley Barn Neighborhood Park and Grant Hill Neighborhood Park. Based on review of the LWCF program criteria, these projects were identified as highly competitive for possible funding. The projects will enhance existing play areas for children ages 2-12 to accommodate disabled access and new safety requirements. New equipment and an accessible surface will make the playgrounds safer and more fun for children of all abilities.

FISCAL IMPACT:

The total cost of this project will be \$500,000. If the grant is secured, the City will receive \$250,000 from the LWCF administered by the California Department of Parks and Recreation. The required matching funds of \$250,000 will be allocated from CIP-20-013.0, Fund 630221, Park and Recreation Grant Matching Fund to the Old Trolley Barn Neighborhood Park and Grant Hill Neighborhood Park tot lots project upon receipt of a fully executed grant agreement.

Loveland/McLatchy/CIW

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-111: Take Our Daughters to Work Day.

COUNCILMEMBER ATKINS'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1378)

Encouraging families to use this special day as an opportunity to discuss the events of the day at home with all family members, and proclaiming April 26, 2001 as "Take Our Daughters to Work Day" in San Diego.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-112: Rancho Bernardo Industrial Park Environmental Fair Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1345)

Commending the outstanding service, leadership and commitment of the businesses of Rancho Bernardo Industrial Park to the citizens and environment of San Diego, and in honor of their significant contributions, proclaiming Wednesday, April 25, 2001, to be "Rancho Bernardo Industrial Park Environmental Fair Day" in San Diego.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

ITEM-200: Ferric Chloride - Ratify Award of Contract & Authorizing Expenditure.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1293)

Ratifying the award of a contract by the Purchasing Agent to Kemiron Pacific, Inc. (Fontana, CA), the low bidder meeting specifications, for furnishing Ferric Chloride, as required for the period of May 1, 2001 through April 30, 2002, for a total estimated cost of \$1,002,975, including tax and terms;

Authorizing the estimated expenditure of \$1,002,975, of which \$328,950 is from Fund No. 41500, Dept. No. 760, Org. No. 570, Object Acct. No. 3221, and Job Order No. 057005; \$364,425 is from Fund No. 41500, Dept. No. 760, Org. No. 566, Object Acct. No. 3221, and Job Order No. 056605; and \$309,600 is from Fund No. 41500, Dept. No. 760, Org. No. 568, Object Acct. No. 3221, and Job Order No. 056805, provided the City Auditor first furnishes a certificate demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City Treasury, and authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. FY02 funding of \$835,812.50 is contingent upon Council approval of FY02 budget. (BID-S3118/00)

CITY MANAGER SUPPORTING INFORMATION:

The Miramar, Alvarado, and Otay Water Filtration Plants have been using Ferric Chloride as a primary coagulant to aid in the treatment and purification of drinking water for the past thirty (30) years. It works effectively as a coagulant and flocculent of particles for various types of raw water. Thirty-four (34) potential bidders were contacted; one (1) bid was received. The sole and low bidder, Kemiron Pacific, Inc., bought the iron chloride business of its competitor, Kemwater North America, and now remains the sole source in the Western area market capable of supplying Ferric Chloride in large quantities. The original contract period was for twelve (12) months beginning May 1, 2000 through April 30, 2001, with options to renew for four (4) additional one (1) year periods. The total estimated usage for the contract year is 3,110 dry tons for all three (3) water treatment plants. However, since the plants cannot determine in advance

exactly how much of this product they will use, a greater or lesser number of dry tons may be purchased as required. The contract was originally awarded for \$971,797.25 including sales tax. The recent granting of a contract option renewal price increase of 3.448% (\$10 per dry ton) for the contract period of May 1, 2001 through April 30, 2002, raises the contract total to \$1,002,975 including tax, requiring the ratification of the contract award by the Council.

FISCAL IMPACT:

The estimated expenditure for FY01 is based upon the estimated usage for the balance of FY01. For FY02, the estimated expenditure is based upon the estimated usage for the period of July 1, 2001 through the end of the contract period.

FY01: \$ 167,162.50 (including sales tax) estimated expenditure

FY02: \$ 835,812.50 (including sales tax) estimated expenditure

\$1,002,975.00 Total (FY01 & FY02; including sales tax) estimated expenditure

Loveland/Baldwin/AS

Aud. Cert. 2101065.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:**

ITEM-201: Second Amendment to Agreement with URS Consultants for Assessments and Remediation Plans of Burn Sites.

(City Heights and Linda Vista Community Areas. Districts-3 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1297)

Authorizing the City Manager to execute a Second Amendment to the Agreement with URS Consultants for consultant services for assessments and remediation plans of solid waste burn sites;

Authorizing the expenditure of an amount not to exceed \$185,000 from CIP-32-01-100 (Annual Allocation-Unclassified Disposal Site Closure), Refuse Disposal Enterprise Fund.

CITY MANAGER SUPPORTING INFORMATION:

URS is providing consultant services to assist with the assessment of the Quince Street Burn Site. Initially, it was believed that seven (7) properties may have been impacted by contaminated

soils at this site. Following the extensive research of historic documents, interviews with past and present property owners, and site visits, the project has expanded to include investigations on more than thirty (30) properties. Consequently, the tasks for sampling, analyses, and report preparation have expanded significantly. It is desired to continue with the current consultant, URS, in order to more efficiently complete this project. URS was selected in accordance with A.R. 25.60. Five (5) consulting firms from the "As Needed Consultant" list were interviewed. URS was selected based on their work on similar projects and their experience working with the regulatory agencies.

FISCAL IMPACT:

Funds for this action are available in Refuse Disposal Enterprise Fund CIP-32-0100 (Annual Allocation Unclassified Disposal Site Closure). This Amendment with URS shall not exceed \$185,000.

Loveland/Hays/SC

Aud. Cert. 2101068.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

ITEM-202: Lee and Ro, Inc. Agreement - Condition Assessment of Trunk Sewers.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1343)

Authorizing the City Manager to execute a two-year phase funded agreement with Lee & Ro, Inc. for a closed circuit televised condition assessment of the City's trunk sewers, in a total amount not to exceed \$3,569,897;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$1,000,000 within Fund No. 41506 as follows: \$500,000 from CIP-46-190.0, Brine Management Gravity Line; and \$500,000 from CIP-46-191.0, Brine Management Force Main and Pump Station; both transferred to CIP-46-215.0, Annual Allocation - Infrastructure Upgrade and Replacement;

Authorizing the expenditure of an amount not to exceed \$3,569,897 to provide funds for the Agreement as follows: \$1,000,000 from Fund No. 41506, CIP-46-215.3, Trunk Sewer - Televising Project, a sublet of CIP-46-215.0, Annual Allocation - Infrastructure Upgrade and Replacement, for phase one; and \$2,569,897 from Fund No. 41506, CIP-46-215.0, Annual Allocation - Infrastructure Upgrade and Replacement, for phase two, provided that the City

Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

As a part of conditional assessment of the sewer collection system, it was recommended to conduct a systematic and proactive closed circuit televising (CCTV) inspection program to identify sewers with structural problems and to develop a rational basis for long range sewer replacement/rehabilitation budgeting. The work to be performed under this agreement will consist of CCTV televising of selected City trunk sewers and televised inspection of all City trunk sewer manholes and junction structures to assess their existing condition. A total of 100 miles of trunk sewers (12" to 72" diameter pipelines) out of a total of 350 miles of City trunk sewers, and 5,600 manholes and junction structures are to be televised and assessed. The first hundred miles of trunk sewers were selected based on ongoing maintenance problems and easy accessibility. Some of the 5,600 manholes are located in open space areas and canyons without existing access roads. Wherever there is no existing access road, the Consultant (two person crew) will use hand carried battery operated CCTV equipment as vehicular access is prohibited due to environmental constraints. The work shall be completed within one hundred twenty (120) workdays from the Notice to Proceed date. This is the first phase of a multi-phase program to televise all the City trunk sewers. The consultant shall prepare inspection reports to document observed conditions and structural defects, and other pertinent findings. The reports will be an instrumental tool in evaluating the condition of the trunk sewers, and identifying locations where high priority rehabilitation or replacement of sewer facilities is required. In accordance with Council Policy 300-07, on December 4, 2000 the City held interviews with four (4) firms, and Lee and Ro, Inc. was selected as the best qualified firm to provide this service. Prime subcontractors on this project are National Plant Service, Inc., ADS Environmental, Inc., Hudson Safe-T-Lite, and Aguirre & Associates. The implementation of this Agreement will ensure that the Metropolitan Wastewater Department can achieve its objective of reducing sewer spills by evaluating City trunk sewers, prioritizing identified replacement and rehabilitation projects, and maintaining the quality of the collection system and the environment.

FISCAL IMPACT:

The total cost of this action is \$3,569,897 of which \$1,000,000 is for phase 1 (FY2001) and \$2,569,897 is for phase 2 (FY2002).

Loveland/Schlesinger/DBG

Aud. Cert. 2101076.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:**

ITEM-203: Hirsch & Co. Agreement - Condition Assessment of Sewer Collection System.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1342)

Authorizing the City Manager to execute a two-year phase funded agreement with Hirsch & Company, for a closed circuit televised condition assessment of the City's sewer mains in a total amount not to exceed \$1,654,131;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$1,000,000 within Fund No. 41506, from CIP-46-208.0, Effluent Disposal, to CIP-46-215.0, Annual Allocation - Infrastructure Upgrade and Replacement;

Authorizing the expenditure of an amount not to exceed \$1,654,131 to provide funds as follows: \$1,000,000 from Fund No. 41506, CIP-46-215.2, Sewer Main - Televising Project, a sublet of CIP-46-215.0, Annual Allocation - Infrastructure Upgrade and Replacement, for phase one; and \$654,131 from Fund No. 41506, CIP-46-215.0, Annual Allocation - Infrastructure Upgrade and Replacement, for phase two, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

As a part of the condition assessment of the sewer collection system, it was recommended to conduct a systematic and proactive closed circuit televising (CCTV) program to identify sewers with structural problems and to develop a rational basis for long range sewer replacement/rehabilitation budgeting. The work to be performed under this agreement will consist of CCTV televising to assess the existing condition of selected City sewer mains. A total of 60 miles of the most critical sewer mains (12" diameter and smaller) will be televised and assessed. The sewer mains were selected based on ongoing maintenance problems and easy accessibility. The majority of sewer mains to be televised are located in the public right of way and easements, with some mains located in City open space and canyons. The access to sewer mains located in open space areas and canyons will be through existing established unpaved access roads. If needed, televising can be accomplished by hand-carried, battery-operated CCTV equipment in areas where vehicular access is prohibited. The work shall be completed within eighty (80) workdays from the Notice to Proceed date. This is the first phase of a multi-phase program to televise a major portion of the City sewer mains. The City Council will have the opportunity to consider approval of the future phases of the televising program. The consultant shall prepare inspection reports to document observed conditions, structural defects, and other pertinent findings. The reports will be a significant tool in evaluating the condition of the sewer mains and identifying locations where high priority rehabilitation or replacement of sewer facilities is required. In accordance with Council Policy 300-07, on December 4, 2000, the City held interviews with four (4) firms, and Hirsch & Co. was selected as the best qualified firm to provide this service. The prime subcontractor on this project is Innerline Engineering. The implementation of this Agreement will ensure that the Metropolitan Wastewater Department can

achieve its objective of reducing sewer spills by evaluating City sewer mains, prioritizing identified replacement and rehabilitation projects, and maintaining the quality of the sewage collection system and the environment.

FISCAL IMPACT:

The total cost of this action is \$1,654,131 of which \$1,000,000 is for phase 1 (FY2001) and \$654,131 is for phase 2 (FY2002).

Loveland/Schlesinger/DBG

Aud. Cert. 2101077.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action.

ITEM-250: Settlement of the Personal Injury Claim of Stanley Kuerbis.

(R-2001-1170)

Adopted as Resolution R-294614.

A Resolution approved by the City Council in Closed Session on Tuesday, February 27, 2001, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; District 6-vacant; Madaffer-yea; District 8-vacant; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$60,750 in the settlement of each and every claim against the City, its agents and employees, in Superior Court Case No. GIC744495, Stanley Kuerbis v. City of San Diego, resulting from personal injury to Stanley Kuerbis;

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$60,750 made payable to Stanley Kuerbis and his attorney of record, Stephen P. McDonald in full settlement of all claims.

Aud. Cert. 2100931.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require

Council action.

ITEM-251: Settlement of the Property Damage Claim of Robert Moyes.

(R-2001-1169)

Adopted as Resolution R-294615.

A Resolution approved by the City Council in Closed Session on Tuesday, February 27, 2001, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; District 6-vacant; Madaffer-yea; District 8-vacant; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$33,333 in the settlement of each and every claim against the City, its agents and employees, resulting from the property damage claim of Robert M. Moyes and Maryann Moyes, trustees of Robert M. Moyes and Maryann Moyes Trust (Superior Court Case No. 690264, Robert Moyes v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$33,333 made payable to Robert M. Moyes and Maryann Moyes, trustees of Robert M. Moyes and Maryann Moyes Trust and Andrew F. Lloyd, Esq., attorney of record, in full settlement of the lawsuit and all claims;

Declaring that the settlement is payable as follows: \$33,333 from Fund No. 81140, Job Order No. 081141, Object Acct. No. 4824.

Aud. Cert. 2100894.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action.

ITEM-252: Border Business Park, Inc. Formerly Known as De La Fuente Business Park, Inc. v. City of San Diego.

(R-2001-1308)

Adopted as Resolution R-294698.

A Resolution approved by the City Council in Closed Session on Tuesday, March 27, 2001, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; District 6-vacant; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$335,255 for expert witness fees that relate to the property damage claim of De La Fuente Business Park, Inc., in Superior Court Case No. 692794, Border Business Park, Inc., formerly known as De La Fuente Business Park, Inc. v. City of San Diego;

Authorizing the City Auditor and Comptroller to issue payments up to and not exceeding \$335,255 made payable to KPMG and/or Joseph D'Antoni as expert witnesses.

Aud Cert. 2101030.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

ITEMS PULLED FROM CONSENT AGENDA

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT